

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-40 are currently pending. Claims 1, 3, 5, 7, 9, 11, 13, and 15, which are independent, are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-40 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Publication No. 2004/0117831 to Ellis, et al. in view of U.S. Patent No. 6,868,225 to Brown, et al. and further in view of U.S. Patent No. 6,584,613 to Dunn, et al.

Claim 1 recites, *inter alia*:

“...a corresponding personal remote terminal device having a user operable input selector; and

program information preferred by each of the users,

wherein the personal remote terminal device is a cellular telephone adapted to communicate with the program guide information

providing device via one of a plurality of communication terminal devices as a function of a cell area that the personal remote terminal device is located in, and is adapted for receiving the program information preferred by the associated user, displaying the program information, selecting a program from the program guide information in response to user operation of said input selector, and displaying audio and visual data of the selected program..." (emphasis added)

As understood by Applicants, U.S. Publication No. 2004/0117831 to Ellis, et al.

(hereinafter, merely "Ellis") relates to an interactive program guide with remote access provided.

A remote access device connects to the interactive program guide and can communicate with the guide.

Ellis is directed to multiple user devices in a single household. The remote access is in communication with home. Ellis does not provide any functionality related to a user being able to communicate with any number of terminal devices depending on where the user is located.

Applicants submit that U.S. Patent No. 6,868,225 to Brown, et al. (hereinafter, merely "Brown") and U.S. Patent No. 6,584,613 to Dunn, et al. (hereinafter, merely "Dunn") do not provide the disclosure missing in Ellis.

As understood by Applicants, Brown relates to a multimedia bookmarking system that allows a user to bookmark a program where they left off.

As understood by Applicants, Dunn relates to a simplified TV viewer response system coupled to a telephone system enables a viewer/subscriber to respond to television displays by dialing a special code less than six digits. The code is routed to an enhanced services server. The server captures the dial string including the caller ID, checks the caller ID against a subscriber/viewer profile and maps the caller ID to the cable company providing service to the viewer/subscriber

Applicants submit that nothing has been found in Ellis, Brown, or Dunn, taken alone or in combination, that would teach or suggest the above-identified features of claim 1.

Specifically, Applicants submit that Ellis, Brown, and Dunn fail to teach or suggest the preference information comprises information linking each of the one or more users, a corresponding personal remote terminal device having a user operable input selector, and a program information preferred by each of the users, wherein the personal remote terminal device **is a cellular telephone adapted to communicate with the program guide information providing device via one of a plurality of communication terminal devices as a function of a cell area that the personal remote terminal device is located in**, and is adapted for receiving the program information preferred by the associated user, displaying the program information, selecting a program from the program guide information in response to user operation of said input selector, and displaying audio and visual data of the selected program, as recited in claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 3, 5, 7, 9, 11, 13, and 15 are also patentable.

### **III. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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